

CHAPTER 72-01-02 COMPUTERIZED CENTRAL INDEXING SYSTEM

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72-01-02-01. Definitions.

1. "Agricultural statutory lien" means agricultural processor's lien, agricultural supplier's lien, or agister's lien.
2. "Amendment" means a UCC document that amends the information contained in a financing statement or central notice system financing statement. Amendments include assignments, continuations, and terminations.
3. "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.
4. "Central notice system" means farm product central notice system adopted pursuant to North Dakota Century Code section 54-09-09.
5. "Correction statement" means a UCC record filed by the debtor to indicate that a financing statement is inaccurate or wrongfully filed.
6. "Federal liens" means those federal liens described in North Dakota Century Code section 35-29-01.
7. "Filing office" means any one of the fifty-three county recorder's offices or the secretary of state's office.
8. "Filing officer" means any one of the fifty-three county recorders or the secretary of state.
9. "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

10. "Individual" means a human being, or a decedent in the case of a debtor that is the decedent's estate.
11. "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that caused the filing office to establish the initial record of existence of a financing statement.
12. "Lienholder" means any person or entity which has a statutory lien.
13. "Nonstandard form" means any record presented for filing which is not specified as a standard form, whether presented as a separate record or as an attachment to a standard form.
14. "Organization" means a legal person who is not an individual.
15. "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.
16. "Social security number" means social security number as assigned by the social security administration.
17. "Standard form" means a form preapproved for use by the North Dakota secretary of state.
18. "Tax identification number" means the federal tax identification number issued to the entity by the internal revenue service.
19. "UCC" means Uniform Commercial Code as adopted in North Dakota Century Code title 41.
20. "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination, or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

History: Effective February 1, 1992; amended effective November 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-72, 41-09-73, 41-09-74, 41-09-75, 41-09-76, 41-09-77, 41-09-78, 41-09-79, 41-09-80, 41-09-81, 41-09-82, 41-09-83, 41-09-84, 41-09-85, 41-09-86, 41-09-87, 41-09-88, 41-09-89, 41-09-90, 41-09-91, 41-09-92, 41-09-93, 41-09-94, 41-09-95, 41-09-96

72-01-02-02. Refiling. Repealed effective November 1, 1999.

72-01-02-03. Lapsed filings. Repealed effective June 1, 2002.

72-01-02-04. Time. Each financing statement, amendment, statutory lien, state tax lien, and federal lien accepted for filing will be given a computer-generated file number and marked with the date and time filed. The time will be specified to the tenth of a second. The time placed on each new record filed beginning January 1, 1992, will be based on prevailing central time.

A UCC record delivered after regular business hours or on a day the filing office is not open for business will be filed in the ordinary course of business on the next working day the filing office is open.

History: Effective February 1, 1992; amended effective November 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-90

72-01-02-05. Associated filings or lien releases. Repealed effective June 1, 2002.

72-01-02-06. Rejections.

1. Any financing statement submitted for filing with any filing officer must be rejected if it lists the same individual as both debtor and secured party or for the following:
 - a. Failure to provide each debtor's social security number or tax identification number;
 - b. Failure to provide the name of the debtor;
 - c. Failure to indicate whether the debtor is an individual or an organization;
 - d. If identified as an individual, failure to provide the last name of the debtor;
 - e. If identified as an organization, failure to provide organizational information for the debtor; including the type of organization, jurisdiction of organization, and an organizational identification number or an indication that the debtor has none;
 - f. Failure to provide a mailing address for the debtor;
 - g. Failure to provide a name for the secured party;
 - h. Failure to provide a mailing address for the secured party;

- i. Failure to provide a name for the assignee; or
 - j. Failure to provide a mailing address for the assignee.
- 2. An amendment or correction statement will be rejected for the following:
 - a. Failure to file each amendment, continuation, termination, or lien release in the same filing office as the original financing statement or lien to which it relates;
 - b. Failure to identify a file number of an initial financing statement to which it refers; or
 - c. If it identifies an initial financing statement for which effectiveness has lapsed.
- 3. A continuation statement must be filed within the six-month window prior to lapse.
- 4. Any statutory lien submitted for filing with any filing officer must be rejected if it is not a verified statement containing all of the following:
 - a. Name and address of lienholder;
 - b. Debtor's name; and
 - c. The debtor's social security number or tax identification number.
- 5. Any document tendered for filing which is rejected by the filing officer will be marked with the time and date it was tendered, whether the correct filing fee was tendered with the document, the reason for the rejection, and will indicate the filing officer. Any fees tendered with the rejected filing will be refunded.

History: Effective February 1, 1992; amended effective March 1, 1994; November 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-87

72-01-02-07. Central notice system.

- 1. If no quantity of crops or livestock is designated on the central notice system filing, the filing must be deemed to include all crops or livestock listed.
- 2. If no crop year is designated on the central notice system filing, the filing must be deemed to include all crop years for the effective period of the filing.

3. A description of the crops or livestock must be included on the central notice system filing if needed to distinguish those covered by the perfected security interest from other crops or livestock owned by the same debtor but not subject to the security interest.
4. An initial filing and an amendment of a central notice system filing must be signed by all the debtors and the secured party. A continuation statement, partial release, and termination statement of a central notice system filing must be signed by the secured party.

History: Effective February 1, 1992; amended effective May 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-40, 54-09-09, 54-09-10; 7 USC § 1631; 9 CFR part 205

72-01-02-08. Joint Uniform Commercial Code and central notice system filings.

1. If the Uniform Commercial Code financing statement and the central notice system financing statement were filed together and given one filing number, all amendments, updates, assignments, subordinations, and releases submitted for either of them must affect both of them.
2. A termination of the Uniform Commercial Code filing statement will automatically terminate the central notice system filing as well. A central notice system filing may be terminated without terminating the Uniform Commercial Code filing.

History: Effective February 1, 1992.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-40, 54-09-09, 54-09-10

72-01-02-09. Updates. Repealed effective June 1, 2002.

72-01-02-10. Secured party or lienholder name changes. Repealed effective June 1, 2002.

72-01-02-11. Searches.

1. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for retrieval of a record by the name of the debtor, social security or tax identification number, and by the file number of the initial financing statement and each filed UCC record relating to the initial financing statement.
 - a. Name searched. A search request should set forth the name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A request will be processed using the name in the exact form it is submitted.

- b. Requesting party. A search request must include the name and address of the person to whom the search report is to be sent.
 - c. Search request with filing. If a filer requests a search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC record and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed.
- 2. Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following apply to searches:
 - a. There is no limit to the number of matches that may be returned in response to the search criteria.
 - b. No distinction is made between uppercase and lowercase letters.
 - c. Punctuation marks and accents are disregarded.
 - d. The word "the" at the beginning of the search criteria is disregarded and "and" and "&" are interchangeable.
- 3. Optional information.
 - a. Public access. Any person may obtain from any filing office at no charge the following information:
 - (1) Whether any records exist for a specific name, or social security number or tax identification number, within the computerized central index system;
 - (2) If any records exist for the specific name, or social security number or tax identification number, the index in which they appear; and
 - (3) The filing office in which the records are located.
 - b. Data bases. Included within the computerized central index systems are the following indexes which may be searched:
 - (1) Uniform Commercial Code index, including agricultural statutory liens;
 - (2) Central notice system index;
 - (3) Statutory lien index;

- (4) Agricultural statutory lien notice index;
- (5) Federal lien index; and
- (6) State tax lien index.

c. Types of searches.

- (1) A search may be conducted by name of the debtor, or name of secured party, or social security number or tax identification number, or file number.
- (2) Each name, or social security number or tax identification number, searched must be deemed a separate search.
- (3) A search request must indicate which index or indexes are to be searched. If no index is indicated, the search will be on unlapsed UCC filings only.
- (4) A copy of a filing must include all pages of the original filing and of each amendment.

d. Copy requests.

- (1) A copy of a filing must include all pages of the original filing and of each amendment.
- (2) Any request for a certified copy of a filing must be made to the filing office where the original filing was made.

History: Effective February 1, 1992; amended effective November 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-40, 41-09-90, 41-09-94, 41-09-96, 54-09-09, 54-09-10, 54-09-11

72-01-02-12. Insolvency proceedings. Repealed effective June 1, 2002.

72-01-02-13. Fees.

- 1. The fee for terminating a central notice system filing or an agricultural statutory lien notice which was refiled automatically pursuant to section 72-01-02-02 is five dollars and must be paid at the time the filing is terminated.
- 2. The fee for having information faxed to a requesting party is three dollars. A maximum of twenty pages may be faxed.
- 3. The fee for filing an update is ten dollars.

4. The fee for filing a correction statement is ten dollars.
5. Filing fees are the same in all fifty-four filing offices for any Uniform Commercial Code or central notice system filing, agricultural statutory lien, agricultural statutory lien notice, or federal lien.
6. All fees not specified within this section are as set forth in North Dakota Century Code sections 11-18-05, 35-17-08, 35-29-05, 35-30-06, 35-31-06, 41-09-96, and 54-09-11.
7. Fees will be billed for any secured party or searching party who has received prior approval for billing, has been assigned a billing number, and who indicates a desire to be billed for that particular filing or search.

History: Effective February 1, 1992; amended effective November 1, 1999; June 1, 2002.

General Authority: NDCC 28-32-02, 41-09-97, 54-09-09

Law Implemented: NDCC 41-09-94, 41-09-96, 54-09-11